

United States Department of the Interior

BUREAU OF LAND MANAGEMENT FILLMORE FIELD OFFICE

35 East 500 North
Fillmore, UT 84631



In Reply Refer to:
3800
(U-010)
UTU-075884

May 15, 2003

CERTIFIED MAIL # 7000 1530 0006 2414 5868
RETURN RECEIPT REQUESTED

DECISION

LARRY MCCURDY :
PRESIDENT : 43 CFR 3809
UNIQUE MINERALS INC : SURFACE MANAGEMENT
18458 WEST CARTER CIRCLE :
CEDAR VALLEY UT 84103 :

Reclamation Cost Estimate Required

On February 20, 2003, we sent Dick Stone a decision requiring additional information regarding the reclamation cost estimate for Notice UTU-075884. He received the decision on February 25, 2003, and was asked to respond within 30 days of receipt. He did not respond by March 27, 2003, so we are now informing you of the need of a reclamation cost estimate in order to extend Unique Minerals Notice.

You were sent a courtesy copy of the fore mentioned decision, which referenced the amount of \$11,194 for our reclamation cost estimate; however, you weren't sent the spreadsheet cost model that was enclosed with it. We are enclosing the spreadsheet with this decision. If you agree with this estimate, you must submit written concurrence within 30 days of receipt of this decision. If you do not agree with the estimate, you must submit a revised estimate as requested in the previous decision, within 30 days of receipt of this decision. If you do not submit written concurrence or a revised estimate by that deadline, your notice will expire, and we will issue an order requiring you to cease all mining activity and to begin reclamation. Reclamation must begin within 30 days of receipt of the order and be complete at the earliest feasible time. You may submit a new notice or plan; however, since you extended your notice, you no longer have the option of deferring reclamation as allowed by § 3809.300(d), and according to § 3809.335, you must begin reclamation by the deadline.

Upon our receipt of your concurrence or your revised estimate, you will be issued a decision by the Utah State Office (USO) of the BLM, giving you 60 days to submit the financial guarantee. If we do not agree with your revised estimate, the USO will issue a decision that allows you 60 days to submit a

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financial guarantee in the amount we calculate. If you do not agree with that amount, you may appeal that decision at that time. In any case, if you do not submit the financial guarantee within the 60 day deadline, your Notice will expire.

If you do not agree with, and are adversely affected by, this decision, you have the right to request review by the Utah State Director (SD), of the Bureau of Land Management, in accordance with 43 CFR 3809.800. If you exercise this right, your request, accompanied by a brief written statement explaining why we should change our decision and any documents that support your written statement must be filed in writing within 30 days after you receive this decision. The envelope should be marked "State Director Review" and sent to the following address:

BUREAU OF LAND MANAGEMENT
UTAH STATE OFFICE
PO BOX 45155
SALT LAKE CITY UT 84145-0155

You should include a telephone or fax number by which the SD can contact you. If the SD does not make a decision within 21 days on whether to accept your request for review, you should consider your request declined, and you may appeal this decision to the Office of Hearings and Appeals (OHA). You may also appeal to OHA if the SD's decision is adverse to you. You must file a notice of appeal to this office within 30 calendar days of the date you receive the SD's decision.

You may also bypass State Director review, and appeal directly to OHA in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in the Fillmore Field Office within 30 days of receipt of this decision. You have the burden of showing that the decision appealed from is in error.

If you wish to file a petition to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals (Board), the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay **must** also be submitted to each party named in this decision and to the Board, and to the appropriate Office of the Solicitor (see 43 CFR 4.412) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

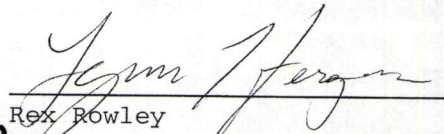
Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,

- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

As mandated in 43 CFR 3809.808, this decision will remain in full force and effect during review and appeal unless a written request for a stay is granted.


 Rex Rowley
ACTING Field Office Manager

Enclosure

Cost Model Spreadsheet
Form 1842-1

cc: **Tom Munson**, UDOGM (S/027/074)
 Barry Kandel, 1003 Whipoorwill Dr, Clarks Summit, PA 18411-9671
 Terry Murray, 726 Madison Rd, Magna, UT 84044
 Clair Rogers, 13480 S 2200 W, Riverton, UT 84065
 Neldon Adair, 2081 W 13180 S, Riverton, UT 84065
 Terry Cook, 885 S Oak Dr, Woodland Hills, UT 84653
 Dick Stone and Jason Stone, 7458 Derry Street, Harrisburg, PA 17111
 Gene Richards, 1256 Park Crest Cir, SLC, UT 84124
 Ted Abeyta, 42 W 6200 S, Murray, UT 84107
 Interphase Corp, 2804 Highland Dr #8, Salt Lake City, UT 84106